

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO**

JORGE FLORES,

Plaintiff,

v.

Civ. No. 19-331 GJF

NANCY A. BERRYHILL, *Acting  
Commissioner of the Social Security  
Administration,*

Defendant.

**ORDER DENYING MOTION TO PROCEED IN FORMA PAUPERIS**

This matter is before the Court upon Plaintiff Jorge Flores's "Financial Affidavit, Application to Proceed *in Forma Pauperis* and Order (28 U.S.C. § 1915)" ("Motion"), filed April 9, 2019. ECF 3. In this Motion, Plaintiff asserts that he is unable to prepay fees and costs in this case and asks to proceed without the advance payment thereof.

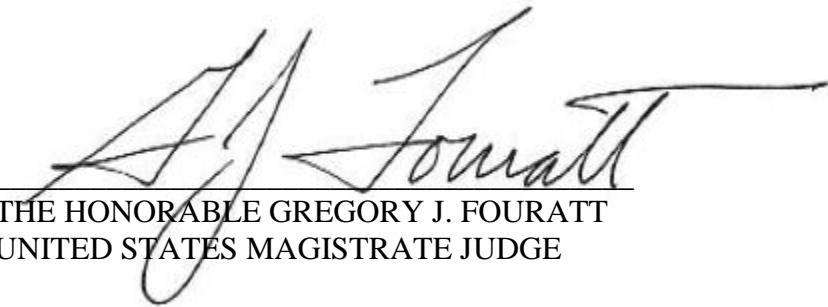
Having reviewed Plaintiff's affidavit, the Court concludes that the Motion should be denied. In making this determination, the Court notes that it has the discretion to "authorize the commencement . . . of any suit . . . without prepayment of fees or security therefore, by a person who submits an affidavit that includes a statement of all assets [the person] possesses [and] that the person is unable to pay such fees or give security therefore." 28 U.S.C. § 1915(a)(1). A review of Plaintiff's affidavit, however, reveals that he has a net monthly income of \$862.00, has \$1,100.00 in his bank accounts, owns a mortgage-free home worth approximately \$147,000.00, and also owns a 1993 Ford Ranger with an estimated value of \$1,000.00. Although Plaintiff claims monthly expenses of \$940.16, an amount that exceeds his monthly income, the Court finds that Plaintiff's home equity and bank accounts place him firmly outside the category of those whom the Court excuses from prepaying the \$400 filing fee.

Consequently, this Court finds and concludes that Plaintiff has not established that he is unable to pay the required filing fee or that doing so will cause him substantial hardship.

**IT IS ORDERED** that Plaintiff's Motion is **DENIED**.

**IT IS FURTHER ORDERED** that Plaintiff shall pay the Court's filing fee not later than April 30, 2019. Plaintiff is cautioned that failure to comply may result in dismissal of this case without prejudice.

**IT IS SO ORDERED.**



THE HONORABLE GREGORY J. FOURATT  
UNITED STATES MAGISTRATE JUDGE